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### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Doug Owens (Reg # 51,314) on 06/02/2009.

The application has been amended as follows:

This application is in condition for allowance except for the presence of claims 1 and 5-14 directed to inventions non-elected without traverse. Accordingly, claims 1 and 5-14 are to be cancelled.

In claim 2, line 2, ".mu.m" has been substituted by "μm".

In claim 3, lines 3-9, "(meta)" has been substituted by "(meth)" in each instance.

In the instant specification, page 7, lines 7-12 "(meta)" has been substituted by "(meth)" in each instance.

### ***Information Disclosure Statement***

The following foreign documents have been considered, and GB 1516510, JP 56-116759, and JP 6-271677 have been added to the 892 form. On the IDS the foreign patent document JP

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62-71677 does not have the date of 09/27/2004, but JP 6-271677 does, therefore that was the reference added to the 892.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance: the closest prior art of record, Cheng et al. (US 5,928,830) teaches a process for preparation of a latex comprising (A) forming a core (i) conducting a pre-reaction monomer emulsification which comprises the emulsification of the polymerization reagents of monomers, water, surfactant, and initiator, (ii) preparing a seed particle latex from the monomer emulsion of (i) from about 0.5 to about 50 percent by weight, (iii) adding the remaining about of monomer (i) and (B) forming a shell with a second monomer in the presence of core polymer (C5/L46-C6/L7). The preferred monomers for the polymeric core include acrylates, methacrylates, acrylonitrile, acrylic acid, methacrylic acid, and mixtures thereof, and the preferred monomers for the shell are acrylates, methacrylates, acrylonitrile, acrylic acid, methacrylic acid, and mixtures thereof (C8/L27-32). Cheng et al. teaches spray drying the composition (C17/L63-C18/L18). However, Cheng et al. teaches a primary particle size from about 1 to about 20 microns with a particle distribution from about 1.10 to about 1.35 (wherein the particle distribution corresponds to 5.5-135 wt% based on relative standard deviation (RSD in %) = standard deviation (S) x 100 / average) which the particle size of Cheng et al. is larger than the claimed range and the particle distribution is very broad (C1/L15-38).

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Correspondence*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICOLE M. BUIE whose telephone number is (571)270-3879. The examiner can normally be reached on Monday-Thursday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571)272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. M. B./  
Examiner, Art Unit 1796  
6/4/2009

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/Marc S. Zimmer/

Primary Examiner, Art Unit 1796